

COMBINED DECLARATION AND POWER OF ATTORNEY	Docket No. 259.US																		
<p>(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and</p> <p style="margin-left: 40px;">(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or</p> <p style="margin-left: 40px;">(2) It refutes, or is inconsistent with, a position the applicant takes in:</p> <p style="margin-left: 80px;">(i) Opposing an argument of unpatentability relied on by the Office, or</p> <p style="margin-left: 80px;">(ii) Asserting an argument of patentability.</p> <p>A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."</p> <p style="text-align: center;">CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (34 U.S.C. § 119(e)).</p> <p>I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; text-align: center;">60/375,622</td> <td style="border-bottom: 1px solid black; text-align: center;">filed</td> <td style="border-bottom: 1px solid black; text-align: center;">April 26, 2002</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">60/375,779</td> <td style="border-bottom: 1px solid black; text-align: center;">filed</td> <td style="border-bottom: 1px solid black; text-align: center;">April 26, 2002</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">60/375,834</td> <td style="border-bottom: 1px solid black; text-align: center;">filed</td> <td style="border-bottom: 1px solid black; text-align: center;">April 26, 2002</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">60/375,665</td> <td style="border-bottom: 1px solid black; text-align: center;">filed</td> <td style="border-bottom: 1px solid black; text-align: center;">April 26, 2002</td> </tr> </table> <p>I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.</p> <p>I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:</p> <p style="margin-left: 150px;">Mark L. Bosse - Reg. No. 35,071 William Schmonsees - Reg. No. 31,796 James J. Wong - Reg. No. 34,949</p> <p>and: _____</p> <p>Address all correspondence to: GILEAD SCIENCES, INC. 333 Lakeside Drive Foster City, California 94404</p> <p>Address all telephone calls to: <u>James J. Wong</u> at 650-522-5823</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"> Full Name of First Inventor Gabriel Birkus </td> <td style="width: 30%; padding: 5px;"> Signature </td> <td style="width: 40%; padding: 5px;"> Date 11/11/04 </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Residence 737 Catamaran St., #4, Foster City, California 94404 </td> <td style="padding: 5px;"> Citizenship Slovakia </td> </tr> </table>		60/375,622	filed	April 26, 2002	60/375,779	filed	April 26, 2002	60/375,834	filed	April 26, 2002	60/375,665	filed	April 26, 2002	Full Name of First Inventor Gabriel Birkus	Signature 	Date 11/11/04	Residence 737 Catamaran St., #4, Foster City, California 94404		Citizenship Slovakia
60/375,622	filed	April 26, 2002																	
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60/375,665	filed	April 26, 2002																	
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